



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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August 24, 1994

CERTIFIED RETURN RECEIPT  
P 074 978 909

Mr. Dan Powell  
Emery Industrial Resources, Inc.  
967 South 680 West  
Payson, Utah 84651

Re: Mine Site Disturbance Exceeding Five (5) Acres, Emery Industrial Resources, Inc.,  
Cherry Hill Park Mine, S/049/021, Utah County, Utah

Dear Mr. Powell:

This letter is a follow up to the Division's site inspection of July 27, 1994 (copy of inspection memo attached). That inspection revealed the site disturbance for the Cherry Hill Park Mine has exceeded five acres. Current site disturbance is estimated at seven acres. As a result of that inspection, the Division was to decide how to best handle the permitting situation of your mining operation and inform you of that decision.

Rule R647-3-113, *Mine Enlargement*, requires a small mine operator to file a Large Mining Notice of Intention with the Division and receive approval, *before* expanding beyond 5 acres of surface disturbance. You are hereby directed to provide the Division with a completed Large Mine Operation Notice of Intention, FORM MR-LMO (copy enclosed) for your Cherry Hill Park operations within 45 days of your receipt of this letter. The Division will review the Large Mining permit application and then perform an independent calculation of the reclamation surety amount.

You indicated that you currently have a reclamation bond posted with Utah County for nine acres of disturbance at \$1,600 per acre (\$14,400 total). During our last inspection, you agreed to provide the Division with a copy of your bonding agreement with Utah County in the immediate future. To date, we have not received a copy of this agreement and hereby repeat our request for a copy of this document at your earliest convenience.

Under section 40-8-14 (4) of the Utah Code, consideration shall be given to similar surety requirements made effective on the operator by governmental agencies other than the